

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,  
Plaintiff,

v.

WILLIAM H. WEBSTER, ET AL.,  
Defendants

Civil Action No. 78-0322

RECEIVED

MAY 12 1982

JAMES F. DAVEY, Clerk

HAROLD WEISBERG,  
Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,  
ET AL.,  
Defendants

Civil Action No. 78-0420

MOTION FOR EXTENSION OF TIME WITHIN WHICH TO OPPOSE  
DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court for an extension of time, to and including May 31, 1982, within which to file his opposition to defendants' motion for partial summary judgment. As grounds for his motion, plaintiff represents to the Court as follows:

1. In accordance with this Court's instructions, plaintiff filed a Settlement Proposal on April 5, 1982. On April 15, 1982, defendants filed a response which rejected plaintiff's settlement proposal and proposed instead that the case be bifurcated, with the Court first deciding the adequacy of the FBI's search and then resolving the validity of the FBI's exemption claims. Defendants indicated that within ten days they would submit a motion for partial summary judgment on the search issue.

2. On May 3, 1982, defendants filed their motion for partial summary judgment. Defendants' motion was delayed in reaching

plaintiff because counsel for defendants refused written and oral requests by plaintiff's counsel that a copy of the motion be mailed directly to plaintiff at his home in Frederick, Maryland. On May 5, 1982, the earliest it was possible for him to do so, plaintiff's counsel personally went to the Department of Justice and picked up a copy of the motion which had been left there for him. He then xeroxed a copy and mailed it to plaintiff later that day.

3. On Monday, May 10, 1982, the undersigned counsel called plaintiff to discuss the opposition to defendants' motion for partial summary judgment and Mr. Weisberg's progress on an affidavit countering the lengthy declaration of FBI Special Agent John N. Phillips filed in support of the motion.

4. During this conversation Mr. Weisberg informed the undersigned that he had commenced work on his counteraffidavit, that it would be lengthy, and that in order to properly address defendants' motion cum Phillips' declaration, he was having to engage in time-consuming searches of his voluminous records on the assassination of President Kennedy.

5. Mr. Weisberg, who is sixty-nine years old, is known to the undersigned to have serious health problems which severely impede his capacity to work. Among other things, he must engage in time-consuming daily exercise in order to combat his very serious circulatory problems. This occupies a major portion of his morning. He is also unable to concentrate on his work for prolonged periods of time, having to interrupt it frequently for walks, as it is not healthy for him to remain seated for long intervals.


6. During Mr. Weisberg's conversation with the undersigned on May 10th, Mr. Weisberg also stated that his wife is ill. This will further delay completion of his counteraffidavit, as his wife types the final version of his affidavits.

7. Mr. Weisberg requested the undersigned to ask for a two week extension of time to respond to defendants' motion for partial summary judgment. It is possible that this may be two or three days longer than is necessary, but plaintiff requests a full two weeks just in case more time is needed. Every effort will be made to file plaintiff's opposition as soon as possible, and in advance of the requested extension date if feasible.

8. Plaintiff's opposition to defendants' motion is presently due on May 17, 1982.

For the reasons stated above, plaintiff requests that his motion for extension of time to and including May 31, 1982, be granted.


Respectfully submitted,

  
JAMES H. LESAR  
1000 Wilson Blvd., Suite 900  
Arlington, Va. 22209  
Phone: 276-0404

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May, 1982, mailed a copy of the foregoing Motion for Extension of Time Within Which to Oppose Defendants' Motion for Partial Summary Judgment to Mr. Henry LaHaie, Civil Division, U.S. Department of Justice, Washington, D.C. 20001.

  
JAMES H. LESAR

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 78-0322
	:	
WILLIAM H. WEBSTER, ET AL.,	:	
	:	
and	:	
	:	
FEDERAL BUREAU OF INVESTIGATION,	:	Civil Action No. 78-0420
ET AL.,	:	
	:	(Consolidated)
Defendants	:	

O R D E R

Upon consideration of plaintiff's motion for an extension of time within which to oppose defendants' motion for partial summary judgment, and the entire record herein, it is by the Court this \_\_\_\_\_ day of \_\_\_\_\_, 1982, hereby

ORDERED, that plaintiff's time for opposing defendants' motion for partial summary judgment be, and hereby is extended to and including May 31, 1982.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE